

### **REMARKS**

Claims 1-7 and 11-13 are amended. Claims 8-10 have been canceled. New claims 17-21 have been added. It should be appreciated that the new claims merely clarify the invention disclosed by the Applicant, and do not add new matter. Claims 1-7 and 11-21 remain in the application.

Claims 1-16 were rejected under 35 U.S.C. §102(e) as being anticipated by Hampton et al. (US 6,252,522). The Applicant respectfully traverses this rejection.

U.S. Patent Number 6,252,522 to Hampton et al. discloses a system and method for measuring the exposure to a visual display. The system includes a billboard 10, and a transmitter 12 in the immediate vicinity of the billboard that transmits a signal. The signal transmission range corresponds to the viewing area of the billboard 18 or an exposure area 16. A consumer receiving device is mounted on an automobile 14. The communication system includes a transmission system 20 having a receiver system 22, such as an FM receiver 24 that receives the information signal transmitted by the transmission system 20 and transfers it to a signal decoder 26 which in conjunction with a processor and memory 28 recovers the billboard information from the received signal. The received information is stored in the memory for later retrieval by a central processing facility 36 that analyzes the exposure time of the receiver system to the billboard. Communication of the stored data from the receiver 22 to the central processing facility 36 is provided by a transmitter 32 and a communication channel 34. The system includes a device that counts the length of time it is exposed to the transmission and decodes the information carried by the transmission. This information is stored in the memory of the device.

A method is provided which includes the steps of receiving the billboard information signal by the device. It is determined if the received signal is above a threshold. If the received

signal is above a threshold, an exposure counter is initiated. The method also includes the steps of determining whether information exists in the received signal. If the signal includes the information, the information is decoded and stored, along with the exposure time, in the memory of the device. The data in the memory of the device is periodically transferred to an information collection agency for analysis. Hampton et al. '522 does not disclose or suggest a system and method of selectively ordering a product or service promoted during a broadcast using a device.

In contradistinction, claim 1, as amended, is directed to a method of ordering a product or service promoted during a broadcast transmitted by a broadcast station. The method includes the steps of receiving a broadcast signal from the broadcast station promoting a product or service, and selectively activating a client terminal to procure the product or service. The method includes the steps of selectively transmitting a signal to a remote transceiver at a service center. The signal includes client identification information, a frequency of the broadcast, a location where the broadcast was received and a time when the broadcast was received. The method also includes the steps of identifying the broadcast station using the frequency and the location, and using the time information to determine the product or service promoted during the broadcast at the time the switch is activated. The method further includes the step of the service center automatically ordering the product or service.

An apparatus for ordering a product or service includes a client terminal having an interface with an electronic control unit, a switch and a transceiver. The electronic control unit is interconnected with the broadcast receiver to obtain a frequency of a station to which the broadcast is tuned to receive. The electronic control unit is also connected to a global positioning system to receive a location of where the global positioning system unit is located and the time associated with the location. The apparatus also includes a switch which

communicates with the electronic control unit to transmit the frequency, location, time and client identifier to the service center to facilitate ordering of the product or service.

Claim 13 is directed to a system for ordering a product or service promoted during a broadcast received by a broadcast receiver. The system includes a service center having a radio receiver and a database having client information. The system also includes a client terminal having an electronic control unit, a switch and a transmitter. The client terminal is connected to the broadcast receiver to obtain a frequency of the broadcast station. The electronic control unit is connected with a global positioning system unit to receive a location of where the global positioning system is located and a time associated with the location. The switch is selectively actuated to send a signal with a client terminal identifier, and the location, time and frequency when the switch is activated to the service center. The service center utilizes the information contained in the signal to identify the selected product or service promoted during the broadcast, so that the identified product or service can be ordered.

Hampton et al. '522 does not disclose, anticipate or otherwise suggest the claimed invention of independent claims 1 or 13 as amended. Hampton et al. '522 merely discloses a system and method of automatically measuring the time of exposure of a device to a visual display. The visual display transmits a signal that is received by a device that decodes the signal and stores the information in memory. The device counts the length of time the signal is above a predetermined threshold and stores the time information in memory. The information is periodically retrieved and analyzed. Hampton et al. '522 does not disclose a device that selectively orders a good or service offered during a broadcast by transmitting a signal to a service center containing client information, broadcast frequency, location and time of selection during the broadcast. These are distinctively different devices that have different inputs and

outputs. The length of time of exposure to a signal is not the same as marking the exact time the ordering switch is activated.

Hampton et al. '522 does not disclose, anticipate or otherwise suggest a method for selectively ordering a product or service promoted on a broadcast transmitted by a broadcast station. Hampton et al. '522 merely discloses a method of receiving a billboard information signal by the device, determining if the received signal is above a threshold, and if the received signal is above a threshold, a counter is initiated to measure the length of time the received signal is above the threshold. The time length and location data are stored in the memory of the device and the data is periodically transmitted to a central office. Hampton et al. '522 does not disclose, anticipate or suggest a method that includes the steps of selectively transmitting a signal from a remotely located transceiver to a centrally located service center. Hampton et al. '522 does not disclose, anticipate or suggest a method that includes the steps of a service center identifying the broadcast station using the frequency of the broadcast station, and using the broadcast station frequency, the time the device was activated to identify the selected good or service and for the service center to order the selected good or service.

Hampton et al. '522 does not disclose, anticipate, or suggest an apparatus that includes a switch for selecting a product good or service that is selectively ordered by the apparatus by sending a signal to a central station that analyzes the information in the signal to determine what the advertised product is and facilitates the transaction.

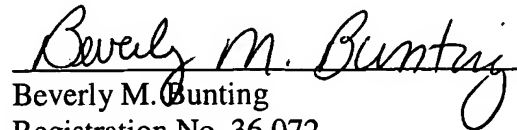
In fact, the teachings of Hampton et al. '522 teach away from the present invention, since Hampton et al. '522 teaches a system and method of automatically measuring the amount of exposure time to a visual display by measuring the duration of a signal transmitted from a transmitter positioned near the display. The amount of exposure time to a display is not the same

as a system and method that receives a broadcast signal and selectively identifies a product or service offered for sale using the information in the broadcast signal and automatically facilitates the transaction using the information in the broadcast signal. Thus, the invention disclosed by Hampton et al. '522 is simply not the same invention as that disclosed by the Applicant. According to MPEP 706.02, for anticipation under 35 U.S.C. §102(e), there must be some teaching in the reference to suggest the system and method of selectively ordering a good or service from a broadcast taught by the Applicant. Any features not taught directly must be inherently present. The Applicant respectfully submits that the requisite teachings are not present in Hampton et al. '522.

Therefore, it is respectfully submitted that independent claims 1 and 13 as amended, and the claims dependent therefrom, are allowable over the rejection under 35 U.S.C. §102(e).

Based on the above, Applicant submits that the claims are in condition for allowance, which allowance is respectfully solicited. If the Examiner finds to the contrary, it is respectfully requested that the undersigned in charge of this application be called at the telephone number given below to resolve any remaining issues.

Respectfully submitted,



Beverly M. Bunting  
Registration No. 36,072  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, P.C.  
280 N. Old Woodward Ave., Suite 400  
Birmingham, MI 48009-5394  
(248) 647-6000

Attorney for Applicant